THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 13549 OF 2007

Dated 14th August, 2007

Between:

B.Sangaiah and another.

…Petitioner

And

University of Hyderabad, Gachibowli,
Hyderabad, represented by its
Registrar – Estate Officer.

…Respondent.

ORAL ORDER:

This writ petition is filed seeking a declaration that the action of the respondent in trying to evict the petitioners pursuant to show-cause notice dated 18.5.2007 without allotting alternative shops in the Shopping Complex is illegal and arbitrary.

Learned counsel for the petitioners seeks permission to withdraw the writ petition so far as the second petitioner is concerned. Permission sought for is granted and the writ petition is dismissed as withdrawn as far as second petitioner is concerned.

Heard arguments of the learned counsel on behalf of the first petitioner.

The petitioner was allotted a small room by letter dated 25.9.1995 and he is running a tea stall therein situated near the Open Area Auditorium. Thereafter, from time to time, it was renewed and the last renewal was valid up to 30.4.2007. The respondent-University has issued show-cause notice on 18.5.2007/2.6.2007 for eviction of the petitioner and several others who are under occupation similarly under the provisions of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. The petitioner has submitted his explanation to the said show-cause notice and it is stated that final orders are also passed by the University on 4.7.2007 in exercise of its powers under sub-section (1) of Section 5 of the Act.

It is submitted by the learned counsel for the petitioner that the petitioner has submitted a representation undertaking to vacate the premises along with others, but, in a discriminatory manner, respondent is taking steps for eviction of the petitioner.

In the counter affidavit filed on behalf of the respondent, it is stated that in a phased manner, eviction orders are being carried

out.

It is to be seen that initially allotment orders were issued in the year 1995 and they were extended from time to time and there is no renewal of lease or licence for the period beyond 30.4.2007 and in any event, final orders are passed on 4.7.2007 during the pendency of the proceedings for eviction. It is also stated that there is alternative remedy of appeal under the said Act. The final orders, which are passed, are not challenged in this writ petition.

In view of the expiry of the lease on 30.4.2007 and in the absence of any further extension of the said lease/licence in favour of the petitioner and further in view of the final orders passed on 4.7.2007, the petitioner is not entitled for any relief in this writ petition. However, it is open for the petitioner to pursue any other remedy available to him under law to challenge the final orders dated 4.7.2007.

The writ petition is devoid of any merit and is accordingly dismissed. No costs.

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14-7-2007

R.SUBHASH REDDY, J.

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